



Applicant's Docket No. 701039-047875 C

RECEIVED

OCT 18 2002

TECH CENTER 1600/2900

1642\$  
Box 299  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Klagsbrun et al.  
Application No.: 09/579,420 Group No.: 1642  
Filed: May 25, 2000 Examiner: G. Nickol  
For: PEPTIDE ANTAGONISTS OF VASCULAR ENDOTHELIAL  
GROWTH FACTOR

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a) and 1.10)

I hereby certify that this correspondence:

1. Transmittal Form (1 pg.);
2. Copy – Office Action & Problem Report (4 pp.);
3. Amendment Under C.F.R. § 1.825 (1 pg.);
4. Sequence Listing Statement (2 pp.);
5. Sequence Listing – Paper Copy (4 pp.);
6. Sequence Listing – Disk;
7. Return Receipt Postcard;

is on the date shown below being:

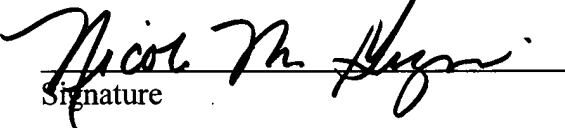
MAILING

☒ deposited with the United States Postal Service  
and with sufficient postage as first class mail in an  
envelope addressed to the U.S. Patent and Trademark  
Office, Box Sequence, P.O. Box 2327, Arlington,  
VA 22202.

FACSIMILE

transmitted by facsimile to the Patent  
Trademark Office.

Date: October 9, 2002

  
Signature

Nicole M. Gignac  
(type or print name of person certifying)



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/579,420
	Filing Date	05/25/2000
	First Named Inventor	M.Klagsbrun
	Group Art Unit	1642
	Examiner Name	G. Nickol
Total Number of Pages in This Submission	Attorney Docket Number	701039-047875-C

RECEIVED  
OCT 18 2002  
TECH CENTER 600/2900

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy - Office Action; Seq. List. Statement; Seq. List - Paper Copy; Seq. List Disk; Cert. of Mail; Return Receipt Postcard.
<b>Remarks</b> The Commissioner is authorized to charge fee deficiencies to the NIXON PEABODY LLP deposit account 50-0850.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	David S. Resnick (Reg. No. 34,235) NIXON PEABODY LLP, 101 Federal Street, Boston, MA 02110
Signature	
Date	10/9/02

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelop addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 10/9/2002	
Typed or printed name	Nicole M. Gignac
Signature	
Date	10/9/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/579,420	05/25/2000	Michael Klagsbrun	701039-47875-C	7567

7590

09/10/2002

David S Resnick  
Nixon Peabody LLP  
101 Federal Street  
Boston, MA 02110

**COPY**

EXAMINER

NICKOL, GARY B

ART UNIT

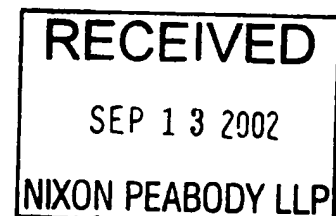
PAPER NUMBER

1642

DATE MAILED: 09/10/2002

14

Please find below and/or attached an Office communication concerning this application or proceeding.



App Unit: 1642



### DETAILED ACTION

The reply filed on 6-18-02 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has not complied with the requirements of 37 CFR 1.821-1.825 as per the Office Action mailed 02-12-02, Paper No. 10, page 2 (see attached CRF Problem Report). See 37 CFR 1.111. The examination of this application will be held in abeyance until the sequence listing has been corrected. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary B. Nickol Ph.D. whose telephone number is 703-305-7143. The examiner can normally be reached on M-F, 8:30-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Caputa can be reached on 703-308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3014 for regular communications and 703-308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

Application/Control Number: 09/579,420

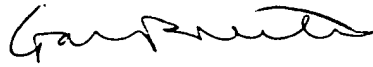
Page 3

Art Unit: 1642

Gary B. Nickol, Ph.D.  
Examiner  
Art Unit 1642

GBN

September 9, 2002

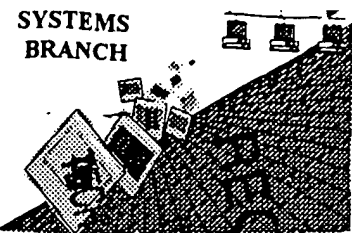
A handwritten signature in cursive script, appearing to read "Gary B. Nickol".



7600

X

164



## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/579420A  
Filing Date: 5/25/2000  
Date Processed by STIC: 6/27/2002

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

- ☒ (circle one) Damaged or Unreadable (for Unreadable, see attached)  
☐ Blank (no files on CRF) (see attached)  
☐ Empty file (filename present, but no bytes in file) (see attached)  
☐ Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
☐ Not saved in ASCII text  
☐ Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should **only** be the Sequence Listing.  
☐ Did not contain a Sequence Listing. (see attached sample)  
☐ Other: \_\_\_\_\_

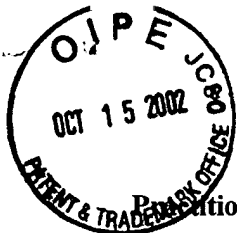
**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name,  
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,  
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office,  
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



Applicant's Docket No. 701039-047875 C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Klagsbrun et al.  
Application No.: 09/579,420 Group No.: 1642  
Filed: May 25, 2000 Examiner: G. Nickol  
For: PEPTIDE ANTAGONISTS OF VASCULAR ENDOTHELIAL  
GROWTH FACTOR

RECEIVED

OCT 18 2002

TECH CENTER 1600/2900

CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202.

10/9/2002  
Date

Nicole M. Gignac  
(type or print name of person mailing paper)

Nicole M. Gignac  
Signature of person mailing paper

U.S. Patent and Trademark Office  
Box Sequence  
P.O. Box 2327  
Arlington, VA 22202

SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,  
AND/OR AMENDMENT PERTAINING THERETO  
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE  
AND/OR AMINO ACID SEQUENCE

1. This replies to the Office Action dated September 10, 2002.

A copy of the Office Action is enclosed.

Identification of Person Making Statement

2. I, David S. Resnick state the following:

Items Being Submitted

3. Submitted herewith is/are:
  - a. Sequence Listing(s) for the nucleotide and/or amino acid sequence(s) in this application. Each Sequence Listing is assigned a separate identifier as required in 37 C.F.R. § 1.821(c) and 37 C.F.R. §§ 1.822 and 1.823.
  - b. A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. § 1.821(g).



In re application of:

Application No.:

Filed:

For:

Klagsbrun et al.

09/579,420

May 25, 2000

PEPTIDE ANTAGONISTS OF VASCULAR ENDOTHELIAL  
GROWTH FACTOR

Group No.: 1642

Examiner: G. Nickol

**STATEMENT THAT "SEQUENCE LISTING"  
AND COMPUTER READABLE COPY ARE THE SAME AND THAT PAPERS SUBMITTED  
INCLUDES NO NEW MATTER**

4. I hereby state:

- a. Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application where applicable, is the same as the "Sequence Listing" to which it is indicated to relate.
- b. All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

**STATUS**

5. Applicant is a small entity.

**EXTENSION OF TERM**

6. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**FEE DEFICIENCY**


If any additional extension and/or fee is required, charge Account No. 50-0850.

**SIGNATURE**

Date: 10/9/02

Respectfully submitted,

Customer No.: 26248

  
\_\_\_\_\_  
David S. Resnick (Reg. No. 34,235)  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110  
Tel. (617) 345-6057  
Fax (866) 743-2115